



PATENT
Attorney Docket No. CASE-02138

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Paul V. Lehmann et al.

Serial No.: 08/621,725

Filed: 03/21/96

Entitled: **Methods for Inducing Immunity**

Group No.: 1644

Examiner: R. Schwadron

OFFICE OF PETITIONS

**PETITION TO REVIVE
UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

BOX DAC

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: November 22, 2000

By: 

Traci E. Light

Sir:

The above-identified Application became abandoned based on the Examiner's decision that the Substitute Appeal Brief filed by Applicants did not correct the deficiencies in the original Appeal Brief. Applicants mailed the original Appeal Brief and Separate Paper (Amendment under 37 CFR 1.116) amending 2 of the 3 claims on November 15, 1999. An Advisory Action was mailed on January 27, 2000, indicating that the Claims in the separate paper had not been entered. This was followed a few days later by a Notification of Non-Compliance (mailed February 3, 2000), indicating that the Appeal Brief was not correct because it had been drafted as if the Claims were entered. Therefore, Applicants filed a Substitute Appeal Brief on March 13, 2000, changing one of the claims back to how it stood before the attempted amendment, but leaving the other amended Claim in its amended form in order to correct a clerical error (this dependent claim simply changed the words "said immunized adult" to "said human" since the independent claim used the word "human"). Applicants believed this clerical error would be entered, and drafted the Substitute Appeal Brief accordingly.

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The Examiner's next communication was a Notice of Abandonment mailed June 20, 2000. Applicants promptly contacted the Examiner to determine the reason the case was Abandoned and were informed that the case had already been sent to storage. Applicants were advised that the matter could only be discussed once the case was retrieved from storage, and that Applicants should wait to be contacted. As the Applicants had not been contacted for a matter of months, a call was placed to the Examiner in mid-November, 2000. Applicants were informed that the case was indeed abandoned, and that the only way to undue this was to file a petition to revive (even though the Examiner understood the Applicants contention concerning the clerical nature of the Amendment). The Examiner indicated that this clerical type amendment would be entered if presented in a separate paper. As such, Applicant hereby petition to revive this application, and note that a separate paper is being filed herewith making this clerical change to one of the dependent claims (Supplementary Amendment under 37 CFR 1.116). As such, the Supplemental Substitute Appeal Brief (also being filed herewith) includes this clerical change to one of the dependent claims.

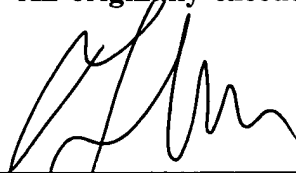
Thus, enclosed please find:

1. a check in the amount of \$605.00 to cover the petition fee by a small entity to revive an unintentionally abandoned application as set forth in 37 C.F.R. § 1.17(m);
2. a Supplemental Substitute Appeal Brief; and
3. an Supplemental Amendment under 37 C.F.R. 1.116.

A small entity statement has been previously filed with the Office in a communication dated June 10, 1996.

The Commissioner is hereby authorized to charge any additional fees or credit overpayments to our Deposit Account No. **08-1290**. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Dated: November 22, 2000



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